

REMARKS

By this amendment, claims 1-29 are pending, in which no claims are canceled, currently amended, or newly presented.

The Office Action mailed July 13, 2005 rejected claims 1-29 under 35 U.S.C. § 102(a) as anticipated by *CenterTrack: An IP Overlay Network for Tracking DoS Floods* (October 1, 1999), by Robert Stone (herein after “*CenterTrack*”).

Applicant respectfully traverses the anticipation rejection under § 102(a). Specifically, the *CenterTrack* article is not prior art because it is Applicant’s own work. 35 U.S.C. § 102 (a) states the following (*Emphasis Added*):

A person shall be entitled to a patent unless –

(a) the invention was **known or used by others** in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

This law is articulated in MPEP § 706.02(a), which states that “[f]or 35 U.S.C. 102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, **and must not be applicant’s own work.**” (*Emphasis Added*)

Furthermore, the publication does not qualify as prior art under § 102(b), as the filing date of Dec. 21, 1999 is not more than a year of the publication date of Oct. 1, 1999. Accordingly, the rejection based on *CenterTrack* is improper, and should be withdrawn.

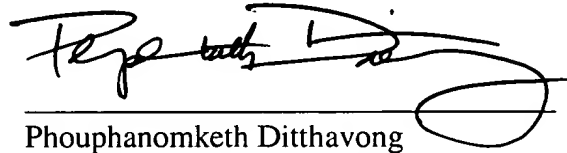
Applicant respectfully urges the indication that pending claims 1-29 be allowable.

Therefore, the present application overcomes the rejection of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date



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